



ENFORCEMENT ACCOMPLISHMENTS

APRIL 2008

Maryland Cigarette Restitution Fund
TOBACCO USE PREVENTION AND CESSATION PROGRAM
Local Public Health Component

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INTRODUCTION

With the passage of SB896/HB1425, the Maryland General Assembly established the Comprehensive Tobacco Use Prevention and Cessation Initiative under the Cigarette Restitution Fund Program (CRFP). The local public health component of the CRFP program provides grants to local health departments for tobacco use prevention and cessation initiatives including programs to enforce existing tobacco control laws and promote clean indoor air policies.

Enforcement is an important component of a strong comprehensive tobacco control program. The two primary areas of enforcement are restricting minors' access to tobacco products and restricting smoking in public places.

In order to reduce illegal sales of tobacco products to underage youth, local health departments:

- Educate tobacco vendors about Maryland's tobacco laws.
- Partner with local law enforcement agencies to conduct compliance checks for underage sales.
- Partner with local law enforcement to issue citations to youth for illegal possession of tobacco products.
- Conduct tobacco education and cessation programs for youth.

Some local jurisdictions also have product placement ordinances that are enforceable. In these cases, local health departments fund the education and compliance activities associated with the ordinance.

Some local jurisdictions have passed ordinances and restrictions that have a broader scope than the state's workplace regulation. Some jurisdictions have smoke free restaurants and others have expanded the workplace regulations to include smoke free grounds around government buildings. These initiatives have rallied the community to push tobacco use prevention and enforcement initiatives to the forefront of the local agenda.

The result of enforcing tobacco laws is twofold. First, violators are deterred and second, a public statement is made that community leaders support tobacco control. In a comprehensive tobacco control program, enforcement supports the other components by creating an environment where tobacco use is not the norm.

Each jurisdiction in Maryland allocates 6-16% of their total local public health tobacco funding to enforcement activities.

Table 1. FY07 Local Health Department Enforcement Allocations

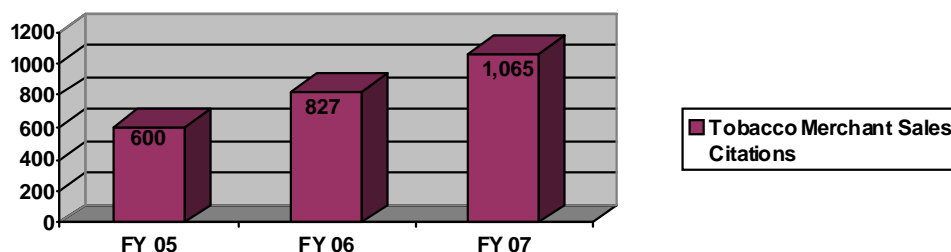
Jurisdiction	Allocation	Jurisdiction	Allocation
Allegany	\$17,152	Harford	\$58,282
Anne Arundel	\$65,168	Howard	\$52,158
Baltimore City	\$168,879	Kent	\$10,628
Baltimore County	\$103,059	Montgomery	\$79,106
Calvert	\$21,099	Prince George's	\$133,047
Caroline	\$32,877	Queen Anne's	\$21,395
Carroll	\$35,875	St. Mary's	\$38,770
Cecil	\$33,832	Somerset	\$21,895
Charles	\$38,177	Talbot	\$11,761
Dorchester	\$17,625	Washington	\$45,950
Frederick	\$63,358	Wicomico	\$34,250
Garrett	\$21,644	Worcester	\$13,590

Enforcement remains a solid element of the Local Public Health Component of CRFP. Many of the local health departments (LHDs) maintain strong partnerships with local law enforcement agencies to oversee compliance checks and provide education and training to area merchants. These partnerships are vital to reduce the number of underage youth that have illegal access to tobacco products.

FY07 Local Public Health Enforcement Accomplishments

1 Clean indoor air citation was issued
12,340 Merchants were educated on youth access laws
11,543 Merchants were educated on product placement
204 Product placement citations issued
7,331 Product placement compliance checks completed
1,065 Tobacco sales merchants citations issued
7,070 Youth access compliance checks
93 Youth tobacco possession citations issued

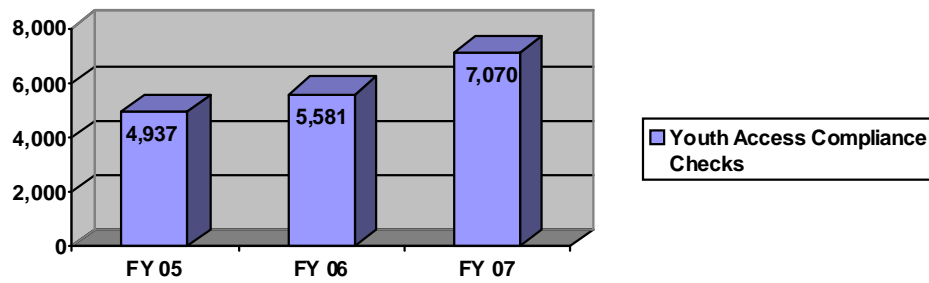
Enforcement FY 2005-2007 Comparisons

Figure 1. Tobacco Merchant Sales Citations

2,492 tobacco sales citations were issued to merchants between FY05–FY07.

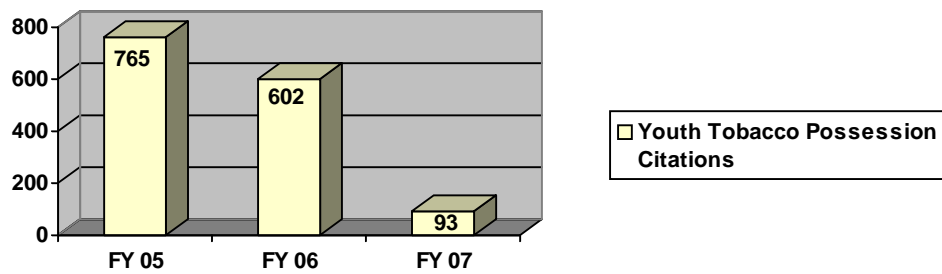
Source: FY 07 CRFP Tobacco Use Prevention Key Indicators Database

Figure 2. Youth Access Compliance Checks



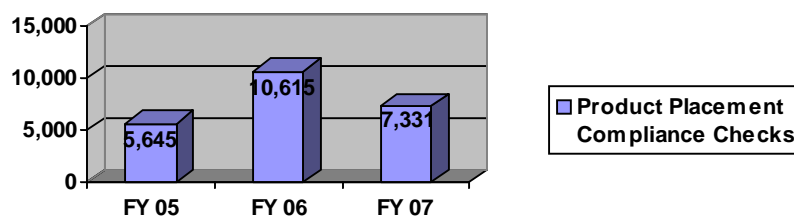
17,588 youth access compliance checks were conducted between FY05–FY07.
Source: FY 07 CRFP Tobacco Use Prevention Key Indicators Database

Figure 3. Youth Tobacco Possession Citations



1,460 youth tobacco possession citations were issued between FY05–FY07.
Source: FY 07 CRFP Tobacco Use Prevention Key Indicators Database

Figure 4. Product Placement Compliance Checks



23,591 product placement compliance checks were conducted between FY05-FY07.
Source: FY 07 CRFP Tobacco Use Prevention Key Indicators Database

The Legal Resource Center

The University of Maryland - School of Law established the Legal Resource Center for Tobacco Regulation, Litigation and Advocacy and receives funding from the Department of Health and Mental Hygiene. The Center provides legal expertise and resources to state agencies, local government health departments and community groups working on policy solutions to reduce tobacco use. The Center also plays a pivotal role in national tobacco control policy in providing technical assistance on matters that may have an impact on Maryland.

Since its establishment on August 1, 2001, the Center staff has provided technical assistance in some form to each of the twenty-four county health departments, numerous community coalitions, state and local legislators and a number of individuals. Some of their activities include:

- Assisting local health departments in drafting, implementing and enforcing laws designed to reduce youth access to tobacco.
- Educating retailers about laws prohibiting tobacco sales to minors.
- Drafting clean indoor air legislation and supportive policy memoranda.
- Providing technical legal assistance to state legislators sponsoring tobacco control legislation.
- Sponsoring a conference for local health departments on youth access enforcement.

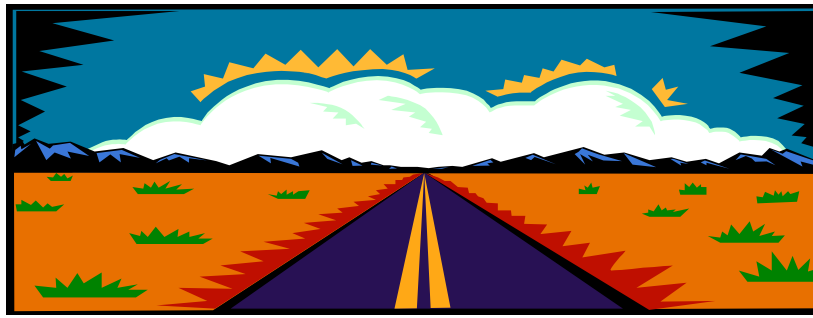
FY07 LOCAL Policy Initiatives

Baltimore City

The Mayor of Baltimore City signed the “Baltimore City Clean Indoor Air Act” into law on February 28, 2007. Effective January 1, 2008, the act prohibits smoking in all public places, including bars and restaurants, bowling alleys and taxicabs. Private clubs are exempt and there is a waiver provision that permits the health officer to grant waivers on a case-by-case basis for businesses that prove financial hardship.

St. Mary’s County

Effective October 1, 2007, HB 447, changed the penalty for selling tobacco to minors from a criminal to a civil charge.



The Rules of the Road

A. Restriction of Sale

SELLING CLOVE CIGARETTES IS ILLEGAL

It is illegal to sell, give, or otherwise distribute clove cigarettes to ANY person, even if eighteen years old or older [Maryland Code, Criminal Law, §10-106].

TOBACCO PRODUCTS DEFINED

A “tobacco product” is ANY product that has tobacco as an ingredient. Tobacco products include, but are not limited to: cigarettes, cigars, smokeless tobacco, snuff, bidis, kreteks, etc. [See Maryland Code, Criminal Law, §10-101].

SELLING TOBACCO PRODUCTS FROM VENDING MACHINES IS ILLEGAL

It is illegal to sell or dispense tobacco products from a vending machine to ANY person unless the machine is located in an establishment from which persons under the age of eighteen years old are prohibited from entering under Maryland law, or can only be operated with a token, card, or similar device that a person can only obtain or purchase from the owner, agent, or employee of the owner [Maryland Code, Business Regulation Article, §16-3A-02].

SELLING TOBACCO PRODUCTS TO MINORS IS ILLEGAL

It is illegal to sell, give, or otherwise distribute a tobacco product to a person who is less than eighteen years old. A tobacco product is any product that contains tobacco in any form [Maryland Code, Criminal Law, §10-107].

SELLING CIGARETTE-ROLLING PAPERS TO MINORS IS ILLEGAL

It is illegal to sell, give, or otherwise distribute cigarette-rolling papers to a person who is less than eighteen years old [Maryland Code, Criminal Law, §10-107].

DISTRIBUTING COUPONS FOR TOBACCO TO MINORS IS ILLEGAL

It is illegal to give or otherwise distribute coupons redeemable for tobacco products to a person who is less than eighteen years old [Maryland Code, Criminal Law, §10-107].

B. Restriction of Use

POSSESSION OF TOBACCO BY A MINOR IS ILLEGAL

It is illegal for a person who is less than eighteen years old to possess, or attempt to possess, any tobacco product. Minor's whose employment involves the handling of tobacco products are exempted for possession that occurs in the course of their regular [Maryland Code, Criminal Law, §10-108].

POSSESSESION OF CIGARETTE-ROLLING PAPERS BY A MINOR IS ILLEGAL

It is illegal for a person who is less than eighteen years old to possess, or attempt to possess, cigarette-rolling papers [Maryland Code, Criminal Law, §10-108].

USING FALSE ID TO TRY AND BUY TOBACCO IS ILLEGAL

It is illegal for any person to use or attempt to use false or fake identification, including using someone else's identification, when purchasing or attempting to purchase tobacco products [Maryland Code, Criminal Law, §10-108].

Clean Indoor Air Act

WHAT IS THE CLEAN INDOOR AIR ACT OF 2007?

The Clean Indoor Air Act of 2007 prohibits smoking in virtually all indoor workplaces in order to "preserve and improve the health, comfort, and environment of the people of Maryland by limiting exposure to environmental tobacco smoke." The law provides for fair and consistent statewide protection from exposure to secondhand smoke in indoor settings. People in Maryland will now have clean, smoke-free air while working, dining, shopping, or relaxing throughout the state.

WHAT IS COVERED UNDER THE ACT?

As of *February 1, 2008*, there will be smoke-free air in almost all indoor places open to the public, including bars and restaurants. The Act prohibits smoking in the following facilities:

- Indoor areas open to the public
- Indoor meeting places open to the public
- Indoor places of employment
- Mass transit vehicles
- Private homes or residences being used by a licensed day care or child care provider
- Private vehicles used for the public transportation of children or as part of health care or day care transportation
- Clubs with alcohol licenses (under Article 2B, §1-102(a)(4), Annotated Code of Maryland)

WHAT IS REQUIRED OF BUSINESSES?

- All of the businesses listed above must prohibit smoking
- Signs stating that smoking is prohibited must be posted in the following facilities:
 - ⌚ Retail stores
 - ⌚ Theaters
 - ⌚ Concert halls
 - ⌚ Athletic facilities
 - ⌚ Financial service institutions
 - ⌚ Government buildings
 - ⌚ Educational institutions
 - ⌚ Museums
 - ⌚ Libraries
 - ⌚ Hotels and motels
 - ⌚ Clubs as defined in Article 2B §1-102(a)(4), Annotated Code of Maryland

Signs must be conspicuously posted at each entrance and in prominent locations inside the establishment.

Some jurisdictions may have local ordinances with additional requirements. Check with your local health department or the Clean Indoor Air Act Help Line, 1-866-703-3266 for further information.

ARE THERE PUBLIC PLACES WHERE SMOKING IS STILL ALLOWED?

Smoking *may* still be permitted in tobacco shops, outdoor areas of bars and restaurants, and up to 25 percent of a hotel's or motel's guest rooms. In addition, the Act does not ban smoking outdoors. However, some jurisdictions may have stricter ordinances and some specific businesses may be exempt or have a temporary waiver from some requirements of the Act. Look for signs in each establishment for guidance.

WHY IS IT IMPORTANT TO ELIMINATE EXPOSURE TO SECONDHAND SMOKE?

Secondhand smoke comes from the burning end of a cigarette, cigar, or pipe – as well as the smoke exhaled by smokers. Former U.S. Surgeon General Richard Carmona reported that secondhand smoke contains more than 4,000 chemicals, including at least 69 that are cancer-causing. Up to 62,000 nonsmokers in the U.S. die each year from secondhand smoke-related causes. It is a serious health hazard that is a proven cause of disease including lung cancer, heart disease, bronchitis, pneumonia, asthma, and sudden infant death syndrome.

HOW DO I FILE A COMPLAINT IF I SEE SMOKING IN A BUSINESS?

Complaints can be made in person or over the phone to your local health department. If you have a question about how or where to make a complaint, call the Clean Indoor Air Act Help Line, 1-866-703-3266, or visit the Clean Indoor Air Act Web site, www.mdcleanair.org.

HOW IS THE CLEAN INDOOR AIR ACT ENFORCED?

Business owners are required to comply with the law and local health departments will enforce it. Please obey posted signs identifying areas where smoking is not allowed. For further information or to file a complaint regarding a business you think may be in violation of the law, please notify your local health department, call the Clean Indoor Air Act Help Line at 1-866-703-3266, or visit www.mdcleanair.org.

NOW IS A GREAT TIME TO QUIT!

When you're ready to quit, visit your local health department, call the *Maryland Tobacco Quitline* at **1-800-QUIT NOW**, or visit www.SmokingStopsHere.com. These are absolutely free services provided by the Maryland Department of Health and Mental Hygiene and local health departments that provide information on quitting and tools to help you quit for good.

D. School

SMOKING BANNED IN SCHOOLS AND ON SCHOOL GROUNDS

Smoking is banned in schools and on school grounds. This prohibition applies to adults as well as youth [State Board of Education, Title 13A, Subtitle 02, c. 04].

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